

### **REMARKS/ARGUMENTS**

This Amendment is submitted in reply to the Office Action dated July 25, 2005, and within the three month period for reply extending to October 25, 2005. The current status of the claims is summarized below.

5           Claims 6-7 are currently amended.

          Claims 1-5, 8, 13, 15, 18-21, 23, and 26 are cancelled.

          Claims 6-7, 9-12, 14, 16-17, 22, and 24-25 are pending in the application after entry of the present Amendment.

#### 10       **Allowable Subject Matter**

          The Applicant acknowledges the Office's indication that claims 12, 14, 16, 17, 22, 24, and 25 are allowed. The Applicant also acknowledges the Office's indication that claims 7 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base  
15       claim and any intervening claims.

#### **Rejections under 35 U.S.C. 103**

          Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maruno et al. ("Maruno" hereafter) (JP 09-185456) in view of Freeman (U.S. Patent No. 5,454,043),  
20       and further in view of Wilke (U.S. Publication No. 2003/0137486 A1). This rejection is respectfully traversed.

          Claim 6 has been amended to clarify that the feature of determining whether the isolated view includes an image of a person includes ensuring that a number of nonzero pixels in the foreground image is within a range indicative of a presence of the image of the  
25       person. The combination of Maruno, Freeman, and Wilke fails to teach or suggest

determining whether the isolated view includes an image of a person by ensuring that a number of nonzero pixels in the foreground image is within a range indicative of a presence of the image of the person. Additionally, it should be appreciated that the clarifying amendments to claim 6 recite features similar to those of previously pending claim 7, which the Office has indicated as not being taught or suggested by the cited art of record.

Because the combination of Maruno, Freeman, and Wilke fails to teach or suggest each and every feature of amended claim 6 as discussed above, the combination of Maruno, Freeman, and Wilke fails to render amended claim 6 prima facie obvious. Therefore, the Applicant respectfully submits that amended claim 6 and its dependent claims 7 and 9-11 are patentable over the cited art of record. Additionally, the Office is requested to note that dependent claim 7 has been amended to be consistent with amendments made to claim 6.

The Applicant respectfully submits that all of the pending claims are in condition for allowance. Therefore, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SONYP003). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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